

CITY OF NEWNAN, GEORGIA
REGULAR COUNCIL MEETING

AUGUST 13, 2019

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, July 16, 2019 at 6:30 p.m. in the Richard A. Bolin Council Chambers of City Hall with Mayor Keith Brady presiding.

CALL TO ORDER

Mayor Brady called the meeting to order and delivered the invocation.

PRESENT

Mayor Keith Brady: Council members present: Ray DuBose, Cynthia E. Jenkins; Paul Guillaume; Dustin Koritko and George Alexander .Council member absent: Rhodes Shell. Also present: City Manager, Cleatus Phillips; City Clerk, Della Hill; Planning Director, Tracy Dunnavant; City Planner Chris Cole, Public Works Director, Michael Klahr; Assistant City Manager, Hasco Craver; City Attorney, Brad Sears and Deputy Chief of Police Mark Cooper.

MINUTES – REGULAR COUNCIL MEETING – JUNE 18, 2019

Motion by Councilman Koritko, seconded by Councilman Alexander to dispense with the reading of the minutes of the Regular Council meeting for June 18, 2019 and adopt them as presented.

MOTION CARRIED. (6 – 0)

BOY SCOUT TROOP

Mayor Brady welcomed two members from Troop 2193 Cokes Chapel, Joseph Ashley and Caleb Long working on Citizenship in Community on their road to Eagle.

APPOINTMENT – NEWNAN YOUTH ACTIVITIES COMMISSION

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Alexander to re-appoint Carole Newell to the Newnan Youth Activities Commission for another three year term.

MOTION CARRIED. (6 – 0)

APPOINTMENT – URBAN REDEVELOPMENT AGENCY

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Alexander to re-appoint Gerald Walton to the Urban Redevelopment Agency for another three year term.

MOTION CARRIED. (6 – 0)

APPOINTMENTS – CULTURAL ARTS COMMISSION

Mayor Brady asked the City Manager to place his appointment along with Councilman DuBose, Councilman Shell, and Mayor Pro Tem Jenkins's appointments to the Convention Center Authority on the agenda for the next meeting.

APPOINTMENT – KEEP NEWNAN BEAUTIFUL

Mayor Brady asked the City Manager to place Councilman Dubose appointment to the Keep Newnan Beautiful Commission on the agenda for the next meeting.

APPOINTMENT – RETIREMENT COMMISSION

The City Manager recommends the re-appointment of Mark Cooper to the Retirement Commission for another three year term.

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Alexander to re-appoint Mark Cooper to the Retirement Commission for another three (3) year term.

MOTION CARRIED. (6 – 0)

PUBLIC HEARING/ ALCOHOL BEVEAGE LICENSE – TWO EAST COURT SQUARE

Mayor Brady opened a public hearing on the application for a Retail On Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine for Two East Court Square located at 2 E. Court Square.

A representative of applicant was present for the hearing. No one spoke for or against the application. Mayor Brady closed the public hearing. The City Clerk advised that all the documentation had been received and everything was in order.

Motion by Councilman DuBose, seconded by Councilman Alexander to approve the application for a Retail On Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine Licensed for Two East Court Square located at 2 E. Court Square.

MOTION CARRIED. (6 – 0)

PUBLIC HEARING = 2019 UPDATE CAPITAL IMPROVEMENTS ELEMENT – WHICH INCLUDES 2019 UPDATE TO SHORT-TERM WORK PROGRAM

Mayor Brady opened a public hearing for the 2019 update to the Capital Improvements Element, which includes the 2019 update to the Short-Term Work Program.

This is to inform the public of the City of Newnan's completion and intent to adopt its update to the Capital Improvements Element (CIE) of the 2016 -20136 Comprehensive Plan which includes the Short-Term Work Program. All local governments that utilize an

impact fee system under GDIFA must include CIEs in their comprehensive plans and update the CIE portion of their plan annually. Official transmittal to the Three Rivers Regional Commission (RC) and the Georgia Department of Community Affairs is planned to be requested at the August 13, 2019 Council meeting.

Mayor Brady closed the public hearing.

AGREEMENT – GROUNDS LEASE BETWEEN CITY OF NEWNAN AND THE COMMUNITY ACTION FOR IMPROVEMENT (CAFI)

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Koritko to approve the three year renewable Grounds Lease Agreement between the City of Newnan and the Community Action for Improvement.

MOTION CARRIED. (6 – 0)

AGREEMENT – INTERNATIONAL MOUNTAIN BIKING ASSOCIATION AND SOUTHERN OFF- ROAD BICYCLE ASSOCIATION (MBA-SORBA ATLANTA) - MANAGE CONSTRUCTION 2 MILE MOUNTAIN BIKE TRAIL

Motion by Councilman Koritko, seconded by Councilman Alexander to approve the agreement with IMBA-SORBA Atlanta to manage the construction of the 2 mile mountain bike trail adjacent to the Newnan Centre LINC in an amount not to exceed \$15,840.00. Funding from SPLOSST 2019.

MOTION CARRIED. (6 – 0)

PURCHASE SUTPHEN HEAVY DUTY CUSTOM PUMPER TRUCK AND LOOSE EQUIPMENT USING HGAC (HOUSTON-GALVESTON AREA COUNCIL) CO-OP METHOD

Motion by Councilman DuBose, seconded by Councilman Koritko to approve the purchase of the heavy duty custom pumper truck and loose equipment utilizing the HGAC Co-Op method from Sutphen Corporation in the amount of \$549,962.00.

MOTION CARRIED. (6 – 0)

CHANGE ORDER – ADDITIONAL WORK UNDER EXISTING CONTRACT FOR REPAIRS AND PAVING OF VARIOUS STREETS UNDER THE LMIG 2019 PROGRAM

Motion by Councilman Alexander, seconded by Councilman Koritko to approve the change order for additional work under existing contract with Piedmont Paving, Inc. for repairs and paving of various streets under the LMIG 2019 program at estimated cost for \$549,847.90.

MOTION CARRIED. (6 – 0)

REQUEST – STREET CLOSURE – TUCKED AWAY MUSIC FESTIVAL – MAIN STREET

Motion by Councilman DuBose, seconded by Councilman Koritko to approve street closure to Perry Street between Spring Street and E Broad and E Broad and E Washington Street for Tucked Away Music Festival October 26, 2019.

MOTION CARRIED. (6 – 0)

PUBLIC HEARING – RESIDENTIAL GROUP – REZONE 6.667± ACRES – EAST BROAD STREET, KNOWN AS CALDWELL TANKS PROPERTY FROM CBD (CENTRAL BUSINESS DISTRICT) TO MXD (MIXED USE DEVELOPMENT DISTRICT) – ORDINANCE

Mayor Brady stated this is a business meeting, so we expect everyone to act accordingly, with no public demonstration in favor of or opposed to any speaker. The applicant, proponents and opponents will each have 15 minutes with 3 minutes per speaker with any unused 15 minutes for rebuttal.

Mayor Brady opened a public hearing on the rezoning of 6.667± acres located on East Broad Street known as Caldwell Tanks property.

Applicant

Ms. Melissa Griffis, on behalf of The Residential Group, is seeking a rezoning for 6.6667± acres located on East Broad Street known as the Caldwell Tanks site. The applicant is seeking to redevelop the site for a mixture of commercial businesses, offices, apartment units and a parking deck. The 6.667± acres are currently zoned CBD (Central Business District) and is seeking a MXD (Mixed Use Development District) zoning designation.

Mr. Kurt Alexander, Developer, noted a rezoning package has been presented. The 2014 Livable Centers Initiative Report established long term goals for preservation and redevelopment of the property as a mix of land uses that would capture a large portion of the area's longer term retail and residential demands. A mixed use development program would benefit the Downtown area by providing new goods and services for existing residents and workers, adding more 24 hour life and spending power creating more of a critical mass of new residents. We will reuse the late 1800's office building and the attached 3 story warehouse as well as the construction of 348 luxury apartment homes organized around a new street. Walking into the project is about 11.5 million dollars. The project will be owned and operated by a single entity and no division of land by easement will occur. This is renter by choice attracting renters under the age of 35 and over 55 with income of \$102,000 per year.

Favor

Mr. Cal Stotilar, home owner 32 years and business owner 27, stated we survived Street Scape and other hurtles. Our goals have been to bring people downtown. We need this project.

Mr. Gary Bernstein, resident Perry Street, stated he came before Council 4 1/2 years ago request ground floor residential in downtown. Four thing to consider:

- 1) Living space walkable to Central Business District
- 2) Comply with Historical District – his home modern and Historical
- 3) Renters looked down on- not everyone wants to own a home
- 4) The building where his business is located is 100 years old which requires money to keep up appearance – lower traffic impact (people walking to downtown)

He urges Council to form subcommittee to work out all of the details for this project.

J.J. Thomasson, 75 Jackson Street, indicated he is favor of the project. The City of Newnan has blessed his family in many ways. We can accept new people in our community and preserve history at the same time.

David Carver stated this is a change in zoning. If Council choose not to approve the zoning request this will send a message to the developer. There are a lot of questions to be answered before considering the request.

Opponents

Ms. Lynn Chapman, East Broad Street, stated she has attended several meeting on the rezoning issue. We are home owners and support our neighborhood. The development being presented is a large development which will generate more traffic. Parking is a serious issue.

Ms. Palmer, 19 Alpine Drive, stated she attended the meetings held also the Planning Commission meeting and is opposed to the project. This project is for apartments only. Research has proven this type project has failed in other areas. This project is to mass a project for the Historical District. Parking is also an issue.

Scott Frederlering stated he is opposed to the rezoning project. We shop in Newnan and support the merchants. The development of the apartments is a lack of interest of the developer. Parking and traffic will be an issue. We are proud of our community.

Gary Martin, 39 Jackson Street, informed Council he retired and moved here. He saw complex like this losing it in other areas. Traffic will be greater. Newnan has a total of 46.65 occupancy in apartments now with \$55,000 income. There are new complex spreading up everywhere.

Katie Chapman, 71 East Broad Street, stated we do buy homes an go to work. We drive cars. There are millennials that do not rent.

Carrie Knight, 37 College Street, stated she also went on web site and Newnan has 40% apartment rental. It indicated the renters were over burden paying too much for rent to what they make. She stated Newnan may not have the demographics to support the apartment renters.

Stan Topal stated he moved to Newnan for the old fashion town where he could walk to downtown. He suggested look at where you are and what you have. Traffic will increase with the development.

Frances Kidd stated she grew up here but came back. She wants community to grow but keep the character. She enjoys all of the activities that are provided. She is not against rental units.

Rebuttal

Mr. Kurt Alexander stated the RD Cole (Caldwell Tanks) property in in bad disrepair. The soil and ground water is contaminated with many more issues. The cost to start the development is 12 million dollars. The proposed matches the LCI report. I hope we will find a way to make the project work.

Planning Director

The subject two tracts consisting of 6.667 acres located off East Broad Street better known as the Caldwell Tanks site. The property is currently zoned CBD and they are looking to develop it as a mixed-use project. The MXD zoning designation allows more flexibility through the use of a master plan that is approved as part of the rezoning. The applicant has already give you an overview of the project 348 residential apartments, 19,100 sq ft of commercial and office, 12781 sq ft of open space and a full amenities package, and 579 parking spaces.

The properties are part of the Cole Town national register district and the Caldwell Tanks property has been identified in basically all of the city's plans as a prime redevelopment site with mixed use development. The applicant plans to keep the two oldest buildings on the site and is proposing architectural elements consistent with existing downtown buildings for the new construction.

Staff has reviewed the request in terms of the criteria for considering a rezoning request and the full report is included in your agenda packet.

I do want to summarize some of the findings that were included in the staff report to give you some technical information regarding the site and the proposed project:

There are a variety of zoning designations in the area that include multiple streets, railroad tracts, commercial businesses and existing residences. All the adjacent properties to the west of the railroad tract are either zoned commercial or light industrial. The properties to the east are either commercial or residential.

Both tracts are currently zoned CBD. CBD allows commercial, offices, and apartments above storefronts – so the majority of uses that are being requested in this project outside of the ground floor residential. Under the current CBD district, in looking at the max floor area ratio they could build roughly 203,000 square feet of buildings on the site and there

are no parking requirements for development in the CBD. MXD requires you to meet the standard for parking (1.5 spaces per unit for apartments). The applicant is providing 522 spaces for 348 units. Commercial/office is dictated typically 250 sq ft of GFA) [77 total] for a total of 599 required spaces for the project. Under MXD up to 20% being shared parking with an approved parking plan. With 579 spaces the applicant would meet the parking with the 20% reduction for shared parking as they would only be asking of 20 shared spaces.

The project will impact the adjacent and nearby properties as there will be more traffic. A traffic study has been provided as part of the assessment and it shows that there will be roughly 1,288 more trips generated each day - 1265 at morning peak and 198 at evening peak. The greatest impact will be on the streets heading east with the study showing 74% of those trips occurring in that direction. However, the level of service will not change categories and building out the site with commercial and office uses will more than likely bring even more traffic to the area.

For the one-acre tract, the applicant is proposing 48 spaces on site for the 41 units, so you can anticipate some on-street parking. Also, on that particular tract, there will need to be some type of fencing or enhanced buffering to deal with the noise lights, etc. In addition, although the CBD zoning allows up to 45' the applicant has indicated that they will only build three story units on the one-acre tract, which Staff feels needs be a condition. The development will provide a boost to the downtown economy as residents will take advantage of the shopping, dining and services in close proximity to the downtown. It will also clean up an existing industrial site and the applicant has agreed to provide an easement for the LINC trail.

In terms of service provision – the applicant is required to do a Community Impact Assessment for developments with over 150 units. Reports from each department/entity as well as a traffic study and an estimated tax breakout has been provided in the packet. Comp Plan – the future land use map shows the two tracts as future commercial; however, the text specifically calls for promoting mixed use development for the Caldwell Tanks site.

The Comp Plan also stresses the need to protect existing historic residential neighborhoods while also promoting adaptive redevelopment/reuse for multifamily/lofts. In addition, the LCI study which was conducted in 2014, specifically provides concepts for the site and the developer has incorporated features from one of the concepts in his proposed plan.

In terms of the National Register listing Staff has contacted the State Historic Preservation Office and they advised us that as with the Central Baptist Church project the demolitions, as proposed, will not result in a delisting of the district. The National Register is no-regulatory and there is no process in place to police historic districts. There would have to be a new survey conducted in order to assess the integrity of the district. They did express concern over the loss of the 1930's building, (the period of significance is per 1932) but they pointed out that the district would be looked at as a whole in considering its health. So, all of the buildings within the Cole Town designation would be assessed equally since this is a historic district, not a historic place, and therefore, the residential homes are just as significant as the old industrial buildings.

In addition, Staff contacted the Planning and Zoning Director from Duluth to get his assessment of the District at Duluth which was completed in 2018. He indicated that the

project was very successful. In fact, he indicated they were working on Phase II of the development. It was also brought to our attention there were numerous reviews for the development on the web. I had my staff research these reviews and found 112 total comments. Four were about parking. The review averages were 4.4 out of 5 stars for the Duluth project.

At their June 11th meeting the Planning Commission held a public hearing and voted unanimously to deny the proposed rezoning. However, should Council decide to approve the request, Staff would recommend including the following conditions:

The project will be subject to a developer's agreement being executed by the applicant to ensure consistency with the concept plan, density, project data and architectural details as provided as part of the application.

The development will utilize architectural guidelines and covenants to ensure a quality product.

The development will be limited to a maximum of 348 apartment units and a minimum of 579 total parking spaces. The 1.064 acre tract north of East Broad Street shall be limited to 41 apartment units and 48 parking spaces. The 5.603 acre tract south of East Broad Street shall be limited to 307 apartment units and 531 parking spaces.

The non-residential uses on the property will be limited to those uses allowed in the Central Business District (CBD).

The apartments proposed on the 1.064 tract north of East Broad Street shall be limited to three stories in height.

The applicant will work with the City's Landscape Architect to ensure adequate buffering is provided in the landscape strip between the 1 acre tract on the north side of East Broad Street and the adjacent residential property.

Councilman Alexander and Koritko had questions about the guest parking for the one acre tract.

Kurt Alexander indicated they are using the unit count provided and not providing guest parking. We are going under the assumption some may use off street parking.

Councilman Guillaume stated the parking is allocated to the area for the 240 units but It appears the parking for the one acre lot property has not been addressed.

Mr. Kurt Alexander indicated they base their design on the number of bedrooms.

Mayor Brady asked if the one acre tract went away would it work. Mr. Alexander indicated it would work but would be better with the tract.

Councilman DuBose asked about the possibility of townhomes on the site. Mr. Alexander stated his company specializes exclusively with apartments but could prep the site for another developer.

Mayor Pro Tem Jenkins has concerns with the number of apartments on the one acre site on the other side of the tracts from Caldwell Tanks, Architect design to match downtown and density of 348 units (can the number be less).

Mayor Brady thanked everyone for the participation and attendance during the meeting on this issue. He suggested continuing the public hearing for the rezoning request to a series of special called meetings for the purpose of allowing the applicant, citizens and staff to present additional materials to explore and discuss potential or revisions to the project until the August 27, 2019 Council meeting.

Motion by Councilman Alexander, seconded by Councilman DuBose to continue the public hearing for this rezoning request to a series of special called meetings on July 25, 2019, August 6, 2019, and August 15, 2019 all of such meetings to be held at 6:30 pm in the Richard A. Bolin Council Chambers, for the purpose of allowing the applicant, the citizens and city staff the opportunity to present additional materials and to explore and discuss potential or possible revisions to the proposed project that might be different from what has been proposed tonight, with consideration of the rezoning request to be held during the regularly scheduled meeting on August 27, 2019 t 6:30 pm.

MOTION CARRIED. (6– 0)

ORDINANCE TO AMEND THE ZONING MAP FOR PROPERTY LOCATED ON EAST BROAD STREET, BEING TRACT I CONTAINING 5.603 ACRES AND TRACT II CONTAINING 1.064 ACRES LOCATED ON EAST BROAD STREET

Continued to August 27, 2019 meeting.

RESOLUTION - RESCHEDULE PUBLIC HEARING – 6 GLENN STREET, 8 GLENN STREET AND 100 SPRAYBERRY ROAD

Motion by Councilman Koritko, seconded by Councilman Alexander to reschedule the public hearing for 6 Glenn Street, 8 Glenn Street and 100 Sprayberry Road for August 27, 2019 to provide for proper advertising time.

MOTION CARRIED. (6 – 0)

CONTINUE RESOLUTION – 15 ELM CIRCLE

The Code Enforcement Officer informed Council the family has not been able to locate the executor of the estate but hope to have a new executor in place by the next meeting.

Motion by Councilman Alexander, seconded by Councilman Koritko to continue the resolution until August 27, 2019 to have a new executor in place for 15 Elm Circle.

MOTION CARRIED. (6 – 0)

REQUEST EXTENSION – 17 RAY STREET

The Code Enforcement Officer stated the resolution deadline has expired. No repairs have been done on the structure. The property has gone into foreclosure. He recommends moving forward with the resolution.

UPDATE – 18 BERRY AVENUE

The Code Enforcement Officer stated the owner is present to give an update on his plans for the structure located at 18 Berry Avenue.

Mer. Daniel Moten informed Council he is requesting an extension to either sell or demolish the structure located at 18 Berry Avenue.

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Alexander to approve an extension of ninety (90) days to either sell or demolish the structure located at 18 Berry Avenue.

MOTION CARRIED. (6 – 0)

STATUS REPORTS – 10 BURCH STREET, 280 W. WASHINGTON ST, 121 PINSON ST, 180 W. WASHINGTON ST, 11 MELSON, 33 HARDAWAY ST

<u>Property</u>	<u>Owner</u>	<u>Status</u>	<u>Resolution Deadline</u>
10 Burch Ave	Abdul S. Kader	No progress	09/17/2019
280 W Washington	Irvin Jones Estate	Progress made	10/06/2019
121 Pinson St	Marcus Beasley	No progress	08/05/2019
180 W Washington St	Render Godfrey	No progress	09/07/2019
11 Melson Street	Cassandra Richardson	For sale	
33 Hardaway St	Annie Cook estate	For sale	

These properties have been before Council with public hearings.

FILMING ON GREENVILLE STREET – MAX KITCHENS

Mr. Max Kitchens, Kitchens Auto, stated his concerns with the ongoing filming. With the road closures for 3 days took a big chunk from his income. He had no traffic flow. He stated he needs help. Something needs to be done to take care of the local businesses. Going forward Staff need to reach out to business owners. The Assistant City Manager is the person that is the go between with the filming company.

Mr. Emory Bray, Newnan Plaza /Pawn Shop, there were people parking t Binion Tire walking to his business because of the road closure during filming. He contacted the film company with a bill for his loss and was told they had no money. He is asking for help.

REQUEST – COWETA PREGNANCY CENTER – FUNDRAISING WALK

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Koritko to approve the request by Cindy Hughes, Coweta Pregnancy Center for a 30 minute Fundraising Walk on Saturday September 4, 2019.

MOTION CARRIED. (6 – 0)

REQUEST – DERRICK TEAGLE – EMPOWERED 4 LIFE, HOST WRESTLING FUNDRAISER – WESLEY STREET GYM

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Koritko to approve the request by Derrick Teagle, Empowered 4 Life to host Wrestling Fundraiser at the Wesley Street Gym on Saturday 8/17/2019.

MOTION CARRIED. (6 - 0)

REQUEST – JARMAINE ELDER, SR., PREVAILING GRACE MINISTRIES – USE HOWARD WARNER GYM

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Koritko to approve the request by Jarmaine Elder, Sr, Prevailing Grace Ministries to use Howard Warner Gym from July 21 – December 29, 2019 from 9:00 am – 1:00 pm. on December 29

MOTION CARRIED. (6 – 0)

REQUEST – MOTOWN BY FERGIES/FERGIES DESIGN –HOST OUTDOOR EVENT ON GROUNDS MUNICIPAL BUILDING – DJ, MUSIC, FOOD TRUCKS AND VENDORS IN CONJUNCTION WITH SCHEDULED CONCERT AND ENTERTAINMENT IN WADSWORTH AUDITORIUM

Motion by Mayor Pro Tem Jenkins, seconded by Councilman Alexander to approve the request to host an outdoor event on the grounds of Municipal Building from 2 to 10pm including a DJ, music, food trucks and vendors, in conjunction with a scheduled concert and entertainment in the Wadsworth Auditorium form 5 – 10 pm on September 7, 2019.

MOTION CARRIED. (6 – 0)

EXECUTIVE SESSION

MOTION EXECUTIVE SESSION

Motion by Mayor Pro Tem Jenkins, seconded by Councilman that we now enter into closed session as allowed by O. C. G. A. §50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing issues and that we move, in open session to adopt a resolution authorizing and directing the Mayor or presiding officer to execute an affidavit in compliance with O. C. G. A. §50-14-4, and that this body ratify the actions of the Council taken in closed session and confirm that the subject matters of the closed session were within exceptions permitted by the open meetings law at 7:49 pm.

MOTION CARRIED. (7 – 0)

RESOLUTION/MAYOR'S AFFIDAVIT FOR EXECUTIVE SESSION

Motion by Mayor Pro Tem Jenkins, seconded by Councilman DuBose to adopt the resolution authorizing the Mayor to execute the affidavit stating that the subject matter of the closed portion of the Council meeting was within the exceptions provided by O. C. G. A. §50-14-4(b).

MOTION CARRIED. (6 – 0)

CLAIM – JACKSON

Motion by Councilman Alexander, seconded by Councilman DuBose to deny the Jackson Claim as presented.

MOTION CARRIED. (6 – 0)

CLAIM – ALLEN

Motion by Councilman Alexander, seconded by Councilman DuBose to deny the Allen Claim as presented.

MOTION CARRIED. (6 - 0)

ADJOURNMENT

Motion by Councilman Koritko, seconded by Councilman Guillaume to adjourn the Council meeting at 8:25 pm.

MOTION CARRIED. (6 – 0)

Della Hill, City Clerk

Keith Brady, Mayor